



#10 1651

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Debbie Prout

Appl No. : 09/830,438 / Confirmation No. 8030  
Applicant : Brian Milgate, et al.  
Filed : April 25, 2001  
Title : INSECTICIDAL COMPOSITION  
  
TC/A.U. : 1651  
Examiner : Herbert J. Lilling  
  
Docket No. : 45108/DBP/R178  
Customer No. : 23363

**REQUEST FOR REVERSAL OF NOTICE OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
  
Post Office Box 7068  
Pasadena, CA 91109-7068  
August 19, 2003

Commissioner:

This is in response to the Notice of Abandonment dated August 11, 2003.

The enclosed August 11, 2003 Notice of Abandonment was issued for failure to file a proper reply to the Office letter mailed on 17 December 2002.

Investigation of our docketing records shows that the 17 December 2002 Official office was never received within our office. Attached is a Declaration of Daniel G. Ferris, along with Exhibit A, giving the background facts of non-receipt of the Official office action.

Appln No. 09/830,438

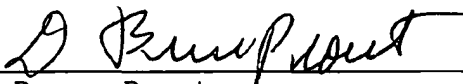
Amdt date August 19, 2003

Reply to Office action of August 11, 2003

Reversal of the Notice of Abandonment and issuance of a new  
Office action is requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

D. Bruce Prout

Reg. No. 20,958

626/795-9900

DBP/djp

Enclosures: Declaration of D. Ferris, Exhibit A

DJP PAS521750.1-\* -08/18/03 3:50 PM



## UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 25 2003

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,438	08/11/2003	Brian Milgate	45108/DBP	8030

23363 7590 08/11/2003

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**RECEIVED**

AUG 13 2003

**Christie, Parker & Hale, LLP**

EXAMINER

LILLING, HERBERT J

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 08/11/2003

CASE # 45108 ACTION Pet. to Revoke  
REMINDER 9/11/03 DUE DATE 9/11/03  
DEADLINE 10/11/03

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Abandonment**

Applicati n No.

09/830,438

Examiner

HERBERT J LILLING

Applicant(s)

MILGATE ET AL.

Art Unit

1651

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

*E? (Not read @ PTA)*

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 December 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

HERBERT J LILLING  
Primary Examiner  
Art Unit: 1651

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.